

Remarks

Section 112 ¶ 1 Rejection

Claims 24-29 and 31-40 were rejected under 35 U.S.C. § 112, ¶ 1, as failing to comply with the written description requirement, and in particular, for not describing the “metallocene” and “iminophenoxide” combination as a catalyst composition. The Applicant traverses this rejection, as it is believed that the specification does support such a claim. Metallocene-type compounds are well known in the art as discussed in the Background section of the Application. On page 15, lines 13-15 of the specification as filed, it is stated:

It is further contemplated by the invention that other catalysts including bulky ligand metallocene catalyst compounds and/or conventional catalyst compounds can be combined with the phenoxide transition metal catalyst compounds of this invention

Also, such a combination is exemplified at page 28, Example 3 of the specification as filed.

It is stated in the Federal Register that “[t]here is a strong presumption that an adequate written description of the claimed invention is presented in the specification as filed; however, with respect to newly added or amended claims, applicant should show support in the original disclosure for the new or amended claims.” FEDERAL REGISTER vol. 66, No. 4, 1099, 1105 (January 5, 2001), *citing the MPEP*. The Applicant has shown explicit support in the specification for the amended claims. Thus, the Applicant requests that this rejection be withdrawn.

Section 112 ¶ 2 Rejection

Claims 24 and 31 were rejected under 35 U.S.C. § 112, ¶ 2 as indefinite. The semicolons have been removed to conform the claims to the Examiner’s suggestion. The Applicant thus requests that this rejection be withdrawn.

Section 103 Rejections

Claims 24-29 and 31-40 were rejected under 35 U.S.C. § 103 as being unpatentable over *Whiteker* (US 6,333,389) and *Holtcamp* (WO 00/04058) in view of *Job* (US 6,399,531). The Applicant traverses this rejection, as the claim 24 is amended to further clarify the nature of the claimed invention. The amendment is supported by the specification as filed at, for example, page 16, lines 6-16.

The Examiner states that “Job, in its abstract teaches that it is conventional in the art of olefin polymerization catalysts to combine two different types of main catalysts in one composition.” The Applicant disagrees with this assessment, as the Applicant believes that *Job*, in its abstract, merely states that “a solid self-supported hybrid catalyst is disclosed which contains (i) a Ziegler-Natta catalyst component . . . and (ii) a Cp, where Cp is a cyclopentadienyl hydrocarbon having from 3 to 30 carbon atoms”. This catalyst composition, when viewed in light of the *Job* description as a whole (*see, e.g.*, col. 5, lines 30-45 and col. 10, lines 33-55), does not render Applicant’s invention obvious in view of the art cited, as *Job* does not disclose a separate “iminophenoxide Group 4 catalyst compound” and a “bulky ligand metallocene catalyst compound” as claimed, each supported. In fact, the catalysts system described in *Job* is not supported, and “does not require extraneous supports such as magnesium chloride, silica, alumina and the like”. (col. 7, line 67 through col. 8, lines 1-2).

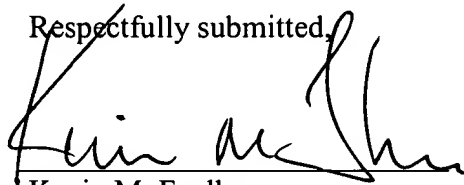
The Applicant contends that it is not conventional in the art to combine catalyst components to form a composition useful for olefin polymerization as claimed by the Applicant. For example, the difficulties of supporting a single catalyst component and maintaining a commercially useful material are well known such as described in the *Hlatky* (2000), *Abbenhuis* (1999) and *Lee et al.* (1999). (see Supplemental IDS submitted herewith). Combined with the added complexity of the addition of two separate polymerization catalysts as claimed, the expectation of success in combining references such as *Whiteker* (no disclosure of a support-homogeneous polymerization) and/or *Holtcamp* (no disclosure of iminophenoxide) with *Job* does not exist. Thus, the Applicant respectfully requests that this rejection be withdrawn.

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It is submitted that the case is in condition for allowance. The Applicant invites the Examiner to telephone the undersigned attorney if there are any other issues outstanding which have not been presented to the Examiner's satisfaction.

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Respectfully submitted,


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